

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD LAWRENCE STROHMETZ,

Defendant.

Case No. 2:13-CR-271-KJD-CWH

ORDER

Before the Court is Defendant Strohmets's ("Strohmets") Motion for Psychiatric Evaluation to Determine Competency to Stand Trial (#57). The Court resolved this motion in its prior order (#62), but reserved the question of a competency hearing pending the psychiatric evaluation and report. The evaluation has now been filed (#67) and Strohmets has responded to the evaluation (#66).

I. Legal Standard

When a defendant has moved for a hearing to determine the mental competency of the defendant to stand trial

"[t]he court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense."

18 U.S.C. § 4241(a).

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1 II. Analysis

2 A. Competency

3 As Defendant aptly summarized: “The report basically says that Mr. Strohmetz is
4 competent and that his issues in discussing or understanding his case are due to depression,
5 anxiety and defiance to the situation.” (#66 at 2). In short, there is “no concern regarding
6 [Strohmetz’s] competency.” (#67 at 9). Having fully reviewed the psychiatric report, the Court
7 finds that there is no reasonable cause to believe that Strohmetz is incompetent for the purposes
8 of 18 U.S.C. § 4241(a). Accordingly, the motion for a competency hearing (#57) is denied.

9 B. Competency Revisited

10 Counsel asserts that “there may still be a physical medical issue preventing Mr.
11 Strohmetz from being competent to stand trial.” (#66 at 2). However, as noted in the report, there
12 is no record of any physician finding any physical or neurological impairments. (#67 at 8).
13 Further, Dr. Roitman’s examination revealed no concerns of any sort regarding Strohmetz’s
14 competency. Strohmetz has failed to provide any substantiating evidence of physical issues
15 which would negatively impact his competency to stand trial. Accordingly, there is no
16 “reasonable cause” to believe Strohmetz is incompetent.

17 C. CAT Scan

18 Not only is the record devoid of any physical or neurological impairments, but “[t]here is
19 nothing neuroimaging would do to focus his treatment or improve his prognosis even if there
20 was . . . [an] injury. Brain scans would do nothing to improve his health or influence the court
21 process related to his charges.” (#67 at 8). The Court agrees.

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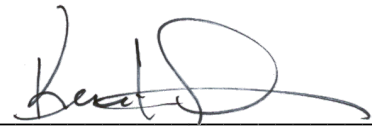
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1 III. Conclusion

2 In accordance with the above analysis, the Court **HEREBY DENIES** Strohmetz's
3 motion for a competency hearing on either psychological or physical grounds (##57, 66). The
4 Court **FURTHER DENIES** Strohmetz's motion for a CAT scan (#66) for the reasons noted
5 above.

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7 DATED this 3rd day of September 2014.

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11 Kent J. Dawson
12 United States District Judge
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